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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,500	10/15/2004	Mark Christopher Summer	SWIN 3160	4204

7812 7590 05/22/2007
SMITH-HILL AND BEDELL, P.C.
16100 NW CORNELL ROAD, SUITE 220
BEAVERTON, OR 97006

EXAMINER

DRODGE, JOSEPH W

ART UNIT	PAPER NUMBER
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1723

MAIL DATE	DELIVERY MODE
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05/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

8

Office Action Summary	Application No.		Applicant(s)	
	10/511,500		SUMMER ET AL.	
	Examiner		Art Unit	
	Joseph W. Drodge		1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 21-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>0305</u> . | 6) <input type="checkbox"/> Other: ____ |

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-25,27-33 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Kelada patent 6,370,884. Kelada discloses an assembly comprising water cooling arrangement and filter integrally contained in a flow-through chamber having inlet and outlet (Abstract,figure 3 and column 7, lines 22-60). The cooling assembly comprises Peltier type thermoelectric heat pump, with electrical conductors, cold and warm side, heat sink and fan (column 10, lines 22-55 and column 7, lines 46-60) as in claims 22-24 and 30-32. It is thermostatically controlled (column 4, lines 15-16) as in claim 38. The filter is removable by disconnecting of lid/cover from base and is in fluid communication with the cooling assembly (columns 7 , lines 34-45) as in claims 25,28,29 and 33.

Claims 21-25 and 27-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Forsberg et al patent 6,058,718.

Forsberg discloses an assembly comprising water cooling arrangement and filter integrally contained in a flow-through chamber having inlet and outlet (Abstract, figure 1A and column 11, line 23 through column 15, line 56). The cooling assembly comprises Peltier type thermoelectric heat pump, with electrical conductors, cold and warm side, heat sink and fan (column 7, lines 1-13) as in claims 22-24 and 30-32. It is thermostatically controlled (column 18 , lines 33-35) as in claim 38. The filter is

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removable by disconnecting of lid/cover, having inlet (21) and outlet (347) from base and is downstream of the cooling assembly (columns 15, lines 42-50) as in claims 25,28,29 and 33-34. Water filters are downstream from the cooling arrangement as in claims 35 and 37 (figures, and column 15, lines 42-50). The cooling arrangement can be considered to surround the filters since it includes insulating material to maintain cooled temperature (column 15, lines 47-50)

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelada patent 6,370,884 in view of Bailey et al patent 6,001,249 or Von Medlin patent 5,269,919. Claim 26 differs in requiring the filter to comprise ceramic; a feature taught by Bailey at column 6, lines 60-67 or Von Medlin at column 7, lines 1-24, in water filters. It would have been obvious to one of ordinary skill in the art to have utilized a ceramic filter in the Kelada device, as taught by Bailey or Von Medlin, so as to remove bacteria as well as fine particulates from the water, so as to sterilize it.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelada patent 6,370,884 in view of Yuen patent 6,068,761. Claim 34 differs in requiring the inlet and outlet to pass through the cover/lid instead of the base of the device as in Kelada. Such feature is shown by Yuen, see cover, inlet and outlet. It would have been also obvious to modify the Kelada arrangement by placing inlet and outlet through the lid/cover as in Yuen, to facilitate attachment of device to sink/faucet and make installing of plumbing connections easier.

Claims 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelada patent 6,370,884 in view of Kelada patent 6,099,735.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Drodge at telephone number

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571-272-1140. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Griffin, can be reached at 571-272-1189. The fax phone number for the examining group where this application is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR, and through Private PAIR only for unpublished applications. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD

May 17, 2007


JOSEPH DRODGE
PRIMARY EXAMINER